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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,925	01/23/2004	Timothy M. Green	8572-000012US	7842
28997	7590	11/09/2004	EXAMINER	
HARNESS, DICKEY, & PIERCE, P.L.C			PASSANITI, SEBASTIANO	
7700 BONHOMME, STE 400			ART UNIT	
ST. LOUIS, MO 63105			PAPER NUMBER	

3711

DATE MAILED: 11/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/763,925

Applicant(s)

GREEN, TIMOTHY M.

Examiner

Sebastiano Passaniti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on see detailed Office action.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/13 and 5/10/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This Office action is responsive to communication received 01/23/2004 – application papers filed; 02/05/2004 – Preliminary Amendment; 04/13/2004 – IDS; 05/10/2004 – IDS.

This application is a CIP of 29/191,194, filed 10/02/2003, now U.S. Patent No: D494,239. This application claim priority to U.S. Provisional Application No. 60/536,295, filed 01/14/2004.

Claims 1-25 are pending.

Following is an action on the MERITS:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5, 6, 7, 8, 9, 10 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Paisley (USPN 2,463,798).

As to claim 1, note golf putter head (7) including a reflective surface (13) extending above a striking surface (9) and an alignment surface (27) including at least one indicator (31). The phrase “for reflecting an image of at least a portion of a golf ball

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to a user when the striking surface is positioned adjacent the golf ball" is merely a statement of intended use.

As to claim 2, Figure 5 shows an embodiment wherein the indicator on the alignment surface (27) is depicted as circular in form (see element 49).

As to claim 5, the diameter of the circular indicia (49) is clearly smaller than the diameter of a golf ball.

As to claim 6, the embodiment in Figure 5 includes only one circular indicator (49).

As to claim 7, note guide line (31) oriented perpendicular to the striking face and oriented generally with the longitudinal center of the striking face.

As to claim 8, note guide line (17) on the reflective surface (13), which in this case is aligned with the guide line (31).

As to claim 9, the putter head is indeed monolithic in construction. In other words the putter is formed as a unitary piece from any of metal, wood or plastic (col. 2, lines 18-23).

As to claim 10, the reflective surface (13) and the alignment surface (27) are each cast as monolithic elements. In other words, each of the mirrors (13, 27) is singular or unitary in construction.

As to claim 21, note first striking surface (9), second surface (13) extending above the first striking surface and a third surface (27) extending rearwardly behind the second surface, with each of the second and third surfaces including aligned indicators.

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Note, second surface (13) includes guide line (17), which is aligned with guide line (31) that is part of the third surface (27).

Claims 22, 23 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Bacon (USPN 6,482,100).

As to claim 22, note golf putter (10) including a striking surface (28), a reflective surface (30) extending above the striking surface and an alignment surface (34) positioned behind the striking surface. In practice, at least a portion of a reflected image of a golf ball is viewed in portion (300 and used in combination with an indicator (36) on the alignment surface (34). See Figure 2.

As to claims 23 and 24, the reflection of the golf ball is maintained in the reflective portion (30) during a putting stroke while the indicator is aligned with a golf ball's diameter and perpendicular to the striking surface. See Figure 2 and col. 3, line 64 through col. 4, line 27.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bacon (USPN 6,482,100) in view of Paisley (USPN 2,463,798). Although Bacon does not show a guide "line" on the reflective surface, it would have been obvious to substitute the "hole" provided on the reflective surface in the Bacon device with a line as taught by Paisley, as both the circular hole of Bacon and the line of Paisley function to help orient the club head with respect to the ball and target at address.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paisley (USPN 2,463,798) in view of Pelz (USPN 4,688,798). Paisley differs from the claimed invention in that Paisley does not detail an indicator that has a diameter about

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equal to or larger than the diameter of a golf ball. The use of indicia that resembles a golf ball in size, shape, or characteristics (i.e., dimple pattern, color, texture) is well-known in the art. The patent to Pelz, for example, provides a club head with an alignment indicator that appears to have the general shape of a golf ball. Borrowing from the teachings of Pelz, the skilled artisan would have found it obvious to modify the device in the cited art reference to Paisley by substituting the smaller circular indicia (49) with a larger circular image, in this case the image of a golf ball, the motivation being to simply provide another convenient means for helping a golfer focus on the alignment of the golf ball with the target and the striking face. The size of the indicator (about equal to or larger than the diameter of a golf ball) would not appear to be critical and would simply appear to be based upon both the available size of the putter head and the alignment surface. Moreover, there is nothing within the boundaries of the applicant's specification that dictates that the size of the indicator is critical. In other words, there would not appear to be any difference in the function among indicators that are smaller than, about equal to or larger than the diameter of a golf ball. The skilled artisan would have found it obvious to conveniently size the indicator based upon the size of the alignment surface and the individual needs of a golfer.

Claims 11-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paisley (USPN 2,493,768) in view of Chiuminatta (USPN 5,433,444) and Green (WO 00/64543). Paisley shows every feature claimed except for the specifics of a weighted perimeter portion, removable weights and the location of the center of gravity. The teaching references to Chiuminatta and Green shows it to be old in the art to provide a

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mechanism for shifting the location of the center of gravity based upon the individual swing characteristics of a golfer. Note the discussion in col. 9, line 1 through col. 10, line 50 in Chiuminatta. See page 5, lines 1-5 and page 6, lines 22-26 in Green. In view of the patents to Chiuminatta and Green, it would have been obvious to modify the device in the cited art reference to Paisley by shifting the location of the center of gravity both upwardly and rearwardly of the face plane, as required by the claims, the motivation being to accommodate a specific weight distribution that optimizes a golfer's preferred swing during the putting stroke. It is further noted that both Chiuminatta and Green provide for removable weights so that the location of the center of gravity may be freely adjusted. As to the remaining limitations in the claims and with respect to claims 15-17, note that these features have been outlined in the rejection, supra, when detailing the patent to Paisley. Specifically, Paisley indicates a striking surface (9), reflective surface (13) and alignment surface (27), as required by claim 15. Paisley further includes an indicator (31) on the alignment surface, as required by claim 16. As to claim 17, the language "for reflecting an image of at least a portion of a portion of a golf ball to the user" is merely a statement of intended use.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akerstrom (USPN 5,993,330) in view of Chiuminatta (USPN 5,433,444). The patent to Akerstrom acknowledges that the center of gravity should be located rearward of the striking face plane greater than one inch in order to help minimize weak and ineffective putts (col. 4, lines 1-24). However, Akerstrom does not detail the location of the center of gravity in a vertical direction above the sole. Chiuminatta shows it to be old in the art


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to provide a mechanism for shifting the location of the center of gravity based upon the individual swing characteristics of a golfer. Note the discussion in col. 9, line 1 through col. 10, line 50 in Chiuminatta. The center of gravity may be lowered or raised, as needed. In view of the patent to Chiuminatta, it would have been obvious to modify the device in the cited art reference to Akerstrom by raising the location of the center of gravity, the motivation being to compensate for instances where the golfer may in fact be hitting the ball with too much force. Raising the center of gravity, as taught by Chiuminatta, overcomes the golfer's tendency to strike the golf ball with too much force.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sebastiano Passaniti whose telephone number is 703-308-1006. The examiner can normally be reached on Mon-Fri (6:30-3:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 703-308-1513. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sebastiano Passaniti
Primary Examiner
Art Unit 3711

S.Passaniti/sp
November 8, 2004